

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>12/26/2012</b>	Received By: <b>btradewe</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>Administration-Budget</b>	By/Representing: <b>Stinebrink</b>
May Contact:	Drafter: <b>btradewe</b>
Subject: <b>Environment - env. cleanup</b>	Addl. Drafters:
	Extra Copies: <b>MGG</b>

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to:

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#### **Pre Topic:**

DOA:.....Stinebrink, BB0164 -

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#### **Topic:**

Transfer the PECFA program to DNR

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#### **Instructions:**

See attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 1/24/2013	evinz 1/15/2013	rschluet 1/15/2013	_____	lparisi 1/15/2013		
/P2		evinz 1/24/2013		_____			
/1	btradewe 2/13/2013		jfrantze 1/24/2013	_____	sbasford 1/24/2013		State
/2		evinz	jmurphy	_____	mbarman		State

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		2/13/2013	2/13/2013	_____	2/13/2013		

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<END>

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/P2		evinz 1/24/2013		_____			
/1	btradewe		jfrantze 1/24/2013	_____	sbasford 1/24/2013		State

1/2 ev 2/13/13 [signature] 2/13/13 [signature] 2/13

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/P1	btradewe 1/11/2013	evinz 1/15/2013	rschluet 1/15/2013	_____	lparisi 1/15/2013		
		1 rev 1/24/13	1 rev 1/24/13				

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<END>

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		Extra Copies:	

Submit via email: **YES**

Requester's email:

Carbon copy (CC) to:

### **Pre Topic:**

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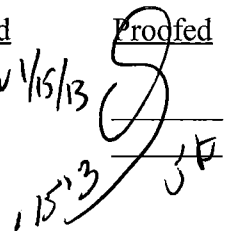
### **Topic:**

Transfer the PECFA program to DNR

### **Instructions:**

See attached

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/P1	btradewe	1/1 eev 1/14/13	1/1 eev 1/15/13				

FE Sent For:

<END>

## **Tradewell, Becky**

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**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Wednesday, December 26, 2012 3:39 PM  
**To:** Tradewell, Becky  
**Subject:** RE: LRB-0385

We would also need appropriations for PECFA Awards and PECFA Administration in DNR. Also, s. 20.165(2)(vm) would have to be transferred over to DNR as well, in addition to 101.1435 for the removal of abandoned underground petroleum storage tanks.

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**From:** Stinebrink, Cory R - DOA  
**Sent:** Wednesday, December 26, 2012 3:27 PM  
**To:** Tradewell, Becky  
**Subject:** LRB-0385

### PECFA

Becky-

I am discussing with DNR what all they expect. But, the intent is a complete transfer of the PECFA program, positions and existing staff from DSPS to DNR and that the incumbent employees would be transferred.

Also, the plan is to sunset PECFA eligibility. So, if we could include a modification to close PECFA to new eligible claims after January 1, 2015. Similarly, provide that any outstanding eligible costs for investigation and remediation that was incurred prior to January 1, 2014 be submitted as a claim no later than January 1, 2015 to be eligible for reimbursement.

Cory Stinebrink  
Executive Policy and Budget Analyst  
State Budget Office  
(608)266-1103



101.11	(4) (c) .....	101.10 (4) (b)	106.50 (2r) (c)
101.111	(7) (b) .....	29.885 (7) (c), 101.01 (11) (b), 895.52 (7), 895.523 (4), 904.07	101.132 (2) (b) 1., 2., 3., (c) 1., 2.
101.12	(1) .....	101.111 (7) (a)	101.132 (2) (c) 2.
	(3) (a) .....	101.05 (5), 101.149 (2) (c) 2., 231.20	106.50 (2r) (c)
	(3) (am) .....	101.12 (3) (a), (am) 1., 2., (b), 101.983 (1) (b)	101.132 (2) (c) 1., 2.
	(3) (b) .....	101.12 (3) (h)	106.50 (2r) (c)
	(5) (b) .....	101.19 (1g) (am)	106.50 (2r) (c)
	(6) (b) .....	101.12 (3) (h)	101.132 (2) (b) 4., (e) 2.
101.1206	(1) .....	101.12 (5) (c)	101.132 (2) (d) 2.
	(4) .....	101.12 (6) (a)	101.132 (2) (d) 1. (intro.)
	(5) .....	92.07 (15)	101.132 (2) (c) 2.
	(5m) .....	30.443 (1) (a), (b), (2), 101.1206 (2), (3), (5), (5m), (6)	101.135 (2)
101.121	(2) (am) .....	101.1206 (2), (3), (5)	101.137 (5)
	(2) (c) .....	101.1206 (5m)	20.165 (2) (La), 101.575 (6) (a) 3.
	(3) .....	59.69 (4c), 101.1206 (5)	101.14 (1) (am) (intro.)
	(4) (a) .....	101.025 (5), 101.05 (5), 101.122 (6w), 101.125 (4m), 101.127, 101.13 (9), 101.14 (4)	101.14 (3), 101.575 (1) (b), (c), (4) (a) 1., 2., 101.976
	(4) (b) .....	101.121 (4) (a)	101.14 (2) (d)
101.122	(2) (a) .....	101.121 (4) (b)	101.14 (2) (c) 1., (cm), (d), (f)
	(2) (a) 1. ....	101.121 (4) (a)	101.14 (2) (cm), (d), (f)
	(2) (a) 2. ....	101.122 (2) (e), (3) (a) (intro.), (4) (b) 3., (c), (5), (6r)	101.14 (2) (c) 1.
	(2) (c) .....	101.122 (4) (a)	101.14 (2) (f)
	(2) (d) .....	101.122 (4) (a)	101.14 (4) (b) 2. a., c.
	(3) (a) .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.122 (1) (c), (2) (d), 101.19 (1g) (i), (1r)	101.14 (4) (b) 1r.
	(4) .....	101.19 (1g) (i)	101.14 (4) (b) 1r., 2. c.
	(4) (a) .....	101.122 (2) (e)	101.14 (4m) (am), (c) (intro.)
	(4) (b) .....	101.122 (2) (b), (c), (5), (7) (a), 101.19 (1g) (i)	101.14 (4m) (am), (b) 3.
	(4) (c) .....	77.22 (2) (c), (d), 101.122 (4) (b) (intro.), (c), (6), (6r), 706.05 (12)	101.14 (4m) (am), (e) (intro.)
	(4) (d) .....	77.22 (2) (c), (d), 101.122 (4) (a), (6), (7) (c), 706.05 (12)	101.14 (4m) (am), (d) (intro.), 3.
	(4) (e) .....	77.22 (2) (c), (d), 101.122 (3) (c), (4) (a), (6), (7) (d), (e), 706.05 (12)	25.46 (5), 101.14 (5) (b)
	(6) .....	77.22 (2) (d)	101.14 (5) (a)
	(7) (d) .....	101.122 (7) (e), 778.25 (1) (a) 7.	20.165 (2) (La)
101.123	(2) .....	254.22 (4)	101.141 (2) (intro.)
	(2) .....	101.123 (2m) (a), (8) (a), 165.60, 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a), 814.63 (1)	20.165 (2) (dm), (r)
	(c) .....	101.123 (3) (intro.)	20.165 (2) (lm), (s), (v), (w), 20.370 (2) (dw), 101.144 (3m) (a) 1.
	(2) (a) 1g. to 8r. ....	101.123 (2) (a) 9.	101.143 (1m)
	(2m) .....	101.123 (6), 165.60, 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a), 814.63 (1) (c)	101.143 (1) (d) 2-
	(2m) (b) .....	101.123 (2m) (e)	101.143 (1) (e) 2-
	(2m) (b) to (d) .....	101.123 (8) (d), (dm), (em)	101.144 (1) (b), 238.133 (1) (c)
	(2m) (c) .....	101.123 (2m) (e)	101.143 (1m)
	(2m) (c) 3. ....	101.123 (2m) (d)	101.1435 (1) (b), 238.133 (1) (e)
	(3) .....	101.123 (2) (a) (intro.)	601.415 (10)
	(8) .....	165.60	25.47 (1m), 101.143 (2) (em) 2.
	(8) (d) .....	101.123 (8) (dm), (em), 125.12 (1) (c)	101.02 (20) (a), (21) (a), (24) (a) 2., 101.19 (1r)
	(8) (dm) .....	101.123 (8) (d)	101.143 (2) (k)
	(8) (em) .....	101.123 (8) (d)	101.143 (2) (h) 2., 3.
101.125 to 101.135	(2) (a) .....	101.05 (5)	20.165 (2) (v), 101.143 (3) (cw) 1., 2.
	(2) (b) .....	101.125 (2) (b)	20.165 (2) (v)
	(5) .....	101.125 (2) (a) (intro.)	101.143 (2) (j) 2.
101.126	(1) .....	287.22 (2) (c)	20.165 (2) (Lm), 101.143 (4) (c) 10.
	(1) .....	101.126 (1m)	101.143 (2e) (b)
101.127	(1) .....	101.121 (4) (a)	101.143 (2) (i) 1., (2e) (c)
101.128	(2) (a) .....	101.128 (2) (b)	101.143 (2) (h) 1., (4) (ei) 1m. a., (4e) (a) (intro.), 3.
	(4) (a) 3. to 5. ....	101.128 (4) (b)	101.143 (3) (av)
101.13	(1) .....	101.132 (2) (e) 1., 231.20, 346.503 (1m) (g)	101.143 (2e) (a), (c), (2m), (3) (g), (h), (4) (cc) 1. c., (ei) 1m. b.
	(1m) (b) .....	19.82 (3)	101.143 (2) (e), (3) (a) (intro.)
	(2) .....	101.13 (1m) (a)	101.143 (2) (e), (3) (a) (intro.)
	(2) (a) .....	101.13 (3)	101.143 (3) (am) 1.
	(2) (a) to (d) .....	101.13 (2) (b)	101.143 (2) (e), (3) (a) (intro.)
	(2) (a) 1. to 8. ....	101.13 (2) (e), (f) 1., 2.	101.143 (3) (bm)
	(2) (e) .....	101.13 (5) (a) (intro.)	101.143 (2) (em) 1., 2., (3) (am) 1., 2., (ap), (bm), (bn), (4) (c) 7., (d) 1., (dm) 1., (4e) (a) (intro.), 1., (4m)
	(2) (f) 1. ....	101.13 (2) (f) 1., 2.	101.143 (3) (g)
	(2) (f) 2. ....	101.13 (2) (f) 1.	101.143 (3) (cm), (g)
	(5) (a) .....	101.13 (5) (a) 2., (b)	101.143 (2) (i) 2., (3) (c) 2., 4., (cm), (cp) 6., (cs) 1., 2., 3., (cw) 1., 2., 3., (4) (c) 11., 12., (cm)
101.132	(1) (d) .....	66.1011 (1), (2)	101.143 (2) (j) 1., (L), (3) (e), (f) 5., (4) (a) 2. (intro.)
	(1) (d) .....	106.50 (2r) (c)	101.143 (3) (cp) 2., 5., 6., 7.
	(1) (h) .....	106.50 (2r) (c)	101.143 (3) (cp) 1.
	(2) (a) .....	101.132 (2) (b) 1., 2., 3., (c) 1., 2.	101.143 (3) (cp) 1.
	(2) (a) 1. ....	101.132 (2) (c) 2.	101.143 (3) (cs) 1.
	(2) (a) 1. to 4. ....	106.50 (2r) (c)	101.143 (3) (cs) 3., 4.
	(2) (b) .....	101.132 (2) (c) 1., 2.	101.143 (3) (cs) 3., 4.
	(2) (b) 1. ....	106.50 (2r) (c)	101.143 (3) (cw) 3., 4., (4) (c) 12.
	(2) (b) 2. ....	106.50 (2r) (c)	101.143 (3) (cw) 3., 4., (4) (c) 12.
	(2) (b) 3. ....	106.50 (2r) (c)	
	(2) (c) .....	101.132 (2) (b) 4., (e) 2.	
	(2) (d) 1. ....	101.132 (2) (d) 2.	
	(2) (d) 2. ....	101.132 (2) (d) 1. (intro.)	
	(2) (e) 2. ....	101.132 (2) (c) 2.	
101.135	(1) .....	101.135 (2)	
101.137	(2) .....	101.137 (5)	
101.14	(1) (a) .....	20.165 (2) (La), 101.575 (6) (a) 3.	
	(2) .....	101.14 (1) (am) (intro.)	
	(2) (a) .....	101.14 (3), 101.575 (1) (b), (c), (4) (a) 1., 2., 101.976	
	(2) (b) .....	101.14 (2) (d)	
	(2) (b) .....	101.14 (2) (c) 1., (cm), (d), (f)	
	(2) (c) .....	101.14 (2) (cm), (d), (f)	
	(2) (c) 2. ....	101.14 (2) (c) 1.	
	(2) (e) .....	101.14 (2) (f)	
	(4) (b) 1r. ....	101.14 (4) (b) 2. a., c.	
	(4) (b) 2. ....	101.14 (4) (b) 1r.	
	(4) (b) 3. ....	101.14 (4) (b) 1r., 2. c.	
	(4m) (b) .....	101.14 (4m) (am), (c) (intro.)	
	(4m) (c) .....	101.14 (4m) (am), (b) 3.	
	(4m) (d) .....	101.14 (4m) (am), (e) (intro.)	
	(4m) (e) .....	101.14 (4m) (am), (d) (intro.), 3.	
	(5) (a) .....	25.46 (5), 101.14 (5) (b)	
	(5) (b) .....	101.14 (5) (a)	
101.141	(1) .....	20.165 (2) (La)	
	(1) .....	101.141 (2) (intro.)	
101.142	(1) .....	20.165 (2) (dm), (r)	
101.143	(1) (ad) .....	20.165 (2) (lm), (s), (v), (w), 20.370 (2) (dw), 101.144 (3m) (a) 1.	
	(1) (d) 1. ....	101.143 (1m)	
	(1) (e) 1. ....	101.143 (1) (d) 2-	
	(1) (f) .....	101.143 (1) (e) 2-	
	(1) (gm) .....	101.144 (1) (b), 238.133 (1) (c)	
	(1) (i) .....	101.143 (1m)	
	(1m) .....	101.1435 (1) (b), 238.133 (1) (e)	
	(2) (em) 1. ....	601.415 (10)	
	(2) (g) .....	25.47 (1m), 101.143 (2) (em) 2.	
	(2) (h) to (j) .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.19 (1r)	
	(2) (h) 1. ....	101.143 (2) (k)	
	(2) (i) 1. ....	101.143 (2) (h) 2., 3.	
	(2) (i) 2. ....	20.165 (2) (v), 101.143 (3) (cw) 1., 2.	
	(2) (j) 1. ....	20.165 (2) (v)	
	(2) (L) .....	101.143 (2) (j) 2.	
	(2e) (a) .....	20.165 (2) (Lm), 101.143 (4) (c) 10.	
	(2e) (b) .....	101.143 (2e) (b)	
	(2e) (c) .....	101.143 (2) (i) 1., (2e) (c)	
	(3) .....	101.143 (2) (h) 1., (4) (ei) 1m. a., (4e) (a) (intro.), 3.	
	(3) (a) .....	101.143 (3) (av)	
	(3) (a) 3. ....	101.143 (2e) (a), (c), (2m), (3) (g), (h), (4) (cc) 1. c., (ei) 1m. b.	
	(3) (ae) .....	101.143 (2) (e), (3) (a) (intro.)	
	(3) (ah) .....	101.143 (2) (e), (3) (a) (intro.)	
	(3) (am) .....	101.143 (2) (e), (3) (a) (intro.)	
	(3) (am) 2. ....	101.143 (3) (am) 1.	
	(3) (ap) .....	101.143 (2) (e), (3) (a) (intro.)	
	(3) (bn) .....	101.143 (3) (bm)	
	(3) (c) .....	101.143 (2) (em) 1., 2., (3) (am) 1., 2., (ap), (bm), (bn), (4) (c) 7., (d) 1., (dm) 1., (4e) (a) (intro.), 1., (4m)	
	(3) (c) 1. ....	101.143 (3) (g)	
	(3) (c) 2. ....	101.143 (3) (cm), (g)	
	(3) (c) 3. ....	101.143 (2) (i) 2., (3) (c) 2., 4., (cm), (cp) 6., (cs) 1., 2., 3., (cw) 1., 2., 3., (4) (c) 11., 12., (cm)	
	(3) (c) 4. ....	101.143 (2) (j) 1., (L), (3) (e), (f) 5., (4) (a) 2. (intro.)	
	(3) (cp) 1. ....	101.143 (3) (cp) 2., 5., 6., 7.	
	(3) (cp) 2. to 5. ....	101.143 (3) (cp) 1.	
	(3) (cs) .....	101.143 (3) (cp) 1.	
	(3) (cs) 1. ....	101.143 (3) (cs) 3., 4.	
	(3) (cs) 2. ....	101.143 (3) (cs) 3., 4.	
	(3) (cw) 1. ....	101.143 (3) (cw) 3., 4., (4) (c) 12.	
	(3) (cw) 2. ....	101.143 (3) (cw) 3., 4., (4) (c) 12.	

<del>(3)</del> (f) .....	101.143 (3) (c) (intro.)	(1) (c) .....	101.645 (1), 101.745 (1)
<del>(3)</del> (g) .....	101.143 (3) (a) 3., (am) 1., 2., (ap), (c) (intro.), (4) (d) 1., (dm) 1.	(2) .....	101.645 (2)
<del>(4)</del> .....	20.165 (2) (vb), 101.143 (2) (c), (f), (3) (a) (intro.), (av), (b), (bm), (bn), (g), (4e) (a)	(3) (a) .....	101.645 (2)
(intro.), 2., (4m)		(6) .....	101.14 (1) (bm)
<del>(4)</del> (a) .....	101.143 (4) (b) (intro.), (c) (intro.), (g) (intro.)	101.147 .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.19 (1g) (m), (1r)
<del>(4)</del> (b) .....	101.143 (3) (a) (intro.), (4) (ce), (cm), (d) 1., (dm) 1., (e) 1. b., c., (em) 1., (es) 1.	(1) .....	101.147 (4) (intro.)
<del>(4)</del> (c) .....	101.143 (4) (b) (intro.)	(2) .....	895.07 (3)
<del>(4)</del> (cc) .....	101.143 (4) (b) (intro.)	(2) (a) .....	101.148 (2) (b)
<del>(4)</del> (c) 1. ....	101.143 (4) (cc) 2. (intro.)	101.149 .....	101.647 (1) (a)
<del>(4)</del> (cc) 1m. ....	101.143 (4) (cc) 1. a.	(2) .....	101.149 (5) (intro.), (6) (a), (7), (8) (a), (b), 254.74 (1g)
<del>(4)</del> (cc) 2. ....	101.143 (4) (cc) 1. a., c.	(2) (b) .....	101.149 (2) (a) (intro.)
<del>(4)</del> (cm) .....	101.143 (4) (b) (intro.)	(2) (c) .....	101.149 (2) (a) (intro.)
<del>(4)</del> (d) .....	101.143 (4) (dg) (intro.), (dr), (es) 3., (h) 1., (6) (a)	(2) (c) 2. ....	101.149 (2) (c) 1.
<del>(4)</del> (d) to (e) .....	101.143 (4) (a) 8.	(3) .....	101.149 (5) (intro.), (7), (8) (a), (b), 254.74 (1g)
<del>(4)</del> (d) 1. ....	101.143 (4) (e) 1. c.	(3) (a) .....	101.149 (3) (c) 2.
<del>(4)</del> (d) 2. ....	101.143 (4) (d) 4., (dr), (ee)	(4) .....	101.149 (8) (c) (intro.)
<del>(4)</del> (d) 2. (intro.) .....	101.143 (4) (h) 1.	(5) (c) .....	101.149 (6) (b), 254.74 (1) (am)
<del>(4)</del> (d) 2. a. ....	101.143 (4) (d) 2. b.	(6) (b) .....	101.149 (5) (c)
<del>(4)</del> (d) 2. c. ....	101.143 (4) (d) 2. b.	(8) (a) .....	101.149 (6) (b), (8) (b), 254.74 (1) (am)
<del>(4)</del> (d) 2. d. ....	101.143 (4) (d) 2. b.	101.15 .....	101.15 (2) (c)
<del>(4)</del> (d) 3. ....	101.143 (4) (d) 4.	(2) (e) .....	85.193 (2) (g) 1., 101.02 (20) (a), (21) (a), (24) (a) 2., 101.19 (1r)
<del>(4)</del> (dg) .....	101.143 (4) (d) 2. (intro.), (di)	101.16 .....	182.0175 (1m) (e) 2.
<del>(4)</del> (dg) 2. ....	101.143 (4) (dg) 4.	(2) .....	101.16 (5) (ac), (am)
<del>(4)</del> (dm) .....	101.143 (4) (dr), (h) 1.	(3) .....	101.16 (5) (ac), (am), (cr) 1.
<del>(4)</del> (dm) 1. ....	101.143 (4) (e) 1. b.	(3) (b) .....	101.16 (3) (a)
<del>(4)</del> (dm) 2. ....	101.143 (4) (dm) 5., (dr), (ec)	(3g) .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.16 (3r) (g), (5) (b), (c) (intro.), (cg), (cm), (cn), (cr) 2., (d), (5m) (a) (intro.), 2., 101.19 (1g) (L), (1m), (1r)
<del>(4)</del> (dm) 2. (intro.) ..	101.143 (4) (h) 1.	(3g) (a) .....	101.16 (3g) (b)
<del>(4)</del> (dm) 2. a. ....	101.143 (4) (dm) 2. d.	(3r) .....	101.16 (5) (b), (c) (intro.), (cg), (cm), (cn), (cr) 3., (d)
<del>(4)</del> (dm) 2. b. ....	101.143 (4) (dm) 2. d.	(3r) (a) .....	101.16 (3r) (c) (intro.), (d)
<del>(4)</del> (dm) 2. c. ....	101.143 (4) (dm) 2. d.	(3r) (b) .....	101.16 (3r) (a), (c) (intro.), (d)
<del>(4)</del> (dm) 3. ....	101.143 (4) (dm) 5.	(3r) (c) .....	101.16 (3g) (a)
<del>(4)</del> (dm) 3. a. ....	101.143 (4) (dm) 3. d.	(3r) (f) .....	101.16 (3r) (h)
<del>(4)</del> (dm) 3. b. ....	101.143 (4) (dm) 3. d.	(4) .....	101.16 (5) (ac), (am), (cr) 4.
<del>(4)</del> (dm) 3. c. ....	101.143 (4) (dm) 3. d.	(4) (b) .....	101.16 (4) (c) (intro.), 5.
<del>(4)</del> (dm) 4. ....	101.143 (4) (dm) 5.	(4) (b) 1. ....	101.16 (4) (b) 2.
<del>(4)</del> (e) .....	101.143 (4) (dm) 5., (es) 3., (h) 1.	(4) (b) 2. ....	101.16 (4) (b) 1.
<del>(4)</del> (e) 2. ....	101.143 (4) (ee), (h) 1.	(5) (am) .....	101.16 (5) (ac)
<del>(4)</del> (ee) .....	101.1435 (2) (b)	(5) (b) .....	101.16 (5) (cg)
<del>(4)</del> (ei) .....	101.143 (1) (fg), (4) (a) 5m., 6., 8., (d) 2. c., (dm) 2. c., 3. c., (e) 2., 2m.	(5) (c) .....	101.16 (5) (b), (cg)
<del>(4)</del> (ei) 1m. b. ....	101.143 (1) (e) 3.	(5) (cn) .....	101.16 (5) (cm)
<del>(4)</del> (em) .....	101.143 (4) (a) 8., (h) 1.	(5m) (a) .....	101.16 (5m) (b)
<del>(4)</del> (em) 2. ....	101.143 (4) (h) 1.	101.17 .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.19 (1r)
<del>(4)</del> (g) .....	101.143 (4e) (a) (intro.)	101.175 .....	100.18 (9m)
<del>(4)</del> (g) 4. ....	101.143 (3) (b)	(3) .....	101.175 (4) (intro.)
<del>(4)</del> (g) 5. ....	101.143 (3) (b)	(4) .....	101.175 (2), (5)
<del>(4)</del> (g) 6. ....	101.143 (3) (b)	(5) .....	20.165 (2) (h), 101.175 (6)
<del>(4)</del> (h) 1. ....	101.143 (4) (h) 2.	101.177 .....	101.02 (24) (a) 2., 101.19 (1r)
<del>(4)</del> (h) 1m. ....	25.47 (2), 101.143 (4) (h) 2.	101.178 .....	20.165 (2) (j)
<del>(4)</del> (h) 2. ....	101.143 (4) (h) 1., 1m.	(2) .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.178 (5), 101.19 (1r)
<del>(4e)</del> .....	101.143 (5) (am) 1.	(3) (a) .....	101.02 (20) (a), (21) (a), (24) (a) 2., 101.178 (3) (b) (intro.), 2., (e), 101.19 (1r)
<del>(4e)</del> (a) 1. ....	101.143 (4e) (c)	(3) (b) 1. ....	101.178 (3) (b) 2.
<del>(4e)</del> (b) .....	101.143 (4e) (a) (intro.)	101.19 .....	20.165 (2) (j), 101.9205 (3), 101.9208 (intro.), 101.9213 (8), 101.935 (2) (c) 2., 101.951 (2)
<del>(5)</del> (a) .....	25.47 (3), 101.143 (5) (am) 2.	(bm), 101.952 (2) (bm), 101.96 (2) (c)	
<del>(5)</del> (am) .....	101.143 (5) (b)	(1b) (b) .....	101.981 (1) (a)
<del>(5)</del> (b) .....	101.143 (5) (c)	(1g) .....	101.122 (5), 101.19 (1r)
<del>(5)</del> (c) .....	25.47 (4)	(1g) (b) .....	101.19 (2)
<del>(6)</del> (a) .....	101.143 (6) (b)	(1g) (k) .....	101.985 (5) (a)
<del>(6s)</del> .....	227.03 (7m), 227.44 (8), 788.01	(1g) (L) .....	101.16 (3g) (a)
<del>(7)</del> (am) .....	101.143 (7) (a)	(1m) .....	101.16 (3g) (a), 101.19 (1g) (L), (1r)
<del>(7m)</del> .....	20.165 (2) (v), (vb)	(1r) .....	45.44 (1) (a) 6.
<del>(9)</del> (a) .....	101.143 (10) (a)	101.31 .....	20.165 (2) (kg)
<del>(9m)</del> .....	20.165 (2) (s), (t), (u), (v), (vb), 25.47 (6)	(4) (a) .....	101.31 (5) (a)
<del>(9m)</del> (g) 2. ....	101.143 (9m) (g) 1.	(4) (b) .....	101.31 (5) (b)
101.1435 .....	20.165 (2) (r), (vm), (w)	(2) to (4) .....	101.45 (6)
(2) .....	101.1435 (3)	(3) .....	101.45 (2)
(3) .....	25.47 (4m)	(4) .....	101.45 (2)
101.144 .....	20.165 (2) (Lm), (w), 101.143 (3) (cs) 1., 2., (cw) 1., 2.	(4) (b) .....	101.45 (4) (a)
<del>(1)</del> (bm) .....	292.11 (2) (e)	(4) (d) .....	101.45 (4) (cm), (e)
<del>(2)</del> (a) .....	292.12 (1) (a)	101.573 .....	20.165 (2) (L), (La), 101.575 (1) (a), (6) (a) (intro.), (b)
<del>(2)</del> (b) .....	101.143 (2e) (c), (3) (b) 4., (cm), (cp) 1., (d), 101.144 (2) (a), (3) (intro.)		
<del>(3)</del> .....	292.11 (7) (a), (c)		
<del>(3g)</del> .....	101.144 (1) (aq) (intro.)		
<del>(3g)</del> (a) .....	101.144 (3g) (b)		
<del>(3m)</del> (a) 3. ....	101.144 (2) (b) 1.		
101.145 ... (1) (b) .....	101.149 (1) (c)		



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1092/P1

RCT:.....

In 1/11

Leev

DOA:.....Stinebrink, BB0164 – Transfer the PECFA program to DNR

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION**

SAN  
xref ✓

Note

don't gen

1 AN ACT <sup>don't gen</sup> relating to: the budget

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 20.165<sup>x</sup> (2) (Lm) of the statutes is renumbered 20.370 (2) (ej) and  
3 amended to read:

4 20.370 (2) (ej) *Petroleum storage remedial action fees.* The amounts in the  
5 schedule for the administration of ~~ss. 101.143 292.62 and 101.144 293.64~~<sup>S. 292.63</sup>. All moneys  
6 received under s. 101.143 292.63 (2) (L) shall be credited to this appropriation  
7 account.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 2.** 20.165<sup>x</sup> (2) (r) of the statutes is amended to read:

2           20.165 (2) (r) *Safety and building operations; petroleum inspection fund.* From  
3           the petroleum inspection fund, the amounts in the schedule for the purposes of ch.  
✓ 4           168 and ss. 101.09, and 101.142, and 101.1435.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

5           **SECTION 3.** 20.165<sup>x</sup> (2) (s) of the statutes is renumbered 20.370 (2) (er) and  
6           amended to read:

7           20.370 (2) (er) *Petroleum inspection fund — revenue obligation proceeds.* As  
8           a continuing appropriation, all proceeds from revenue obligations that are issued  
9           under subch. II or IV of ch. 18, authorized under s. ~~101.143~~ 292.63<sup>✓</sup> (9m) and deposited  
10          in a fund in the state treasury created under s. 18.57 (1), to provide for reserves and  
11          for expenses of issuance and management of the revenue obligations, and the  
12          remainder to be transferred to the petroleum inspection fund for the purposes of the  
13          petroleum storage remedial action program under s. ~~101.143~~ 292.63<sup>✓</sup>. Estimated  
14          disbursements under this paragraph shall not be included in the schedule under s.  
15          20.005.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 4.** 20.165<sup>x</sup> (2) (t) of the statutes is renumbered 20.370 (2) (es) and  
17          amended to read:

18          20.370 (2) (es) *Petroleum inspection fund — revenue obligation repayment.*  
19          From the petroleum inspection fund, a sum sufficient to repay the fund in the state  
20          treasury created under s. 18.57 (1), or the separate and distinct fund outside the state  
21          treasury under s. 18.562 (3), the amount needed to retire revenue obligations issued  
22          under subch. II or IV of ch. 18, as authorized under s. ~~101.143~~ 292.63<sup>✓</sup> (9m), and to

- 1 make payments under an agreement or ancillary arrangement entered into under  
2 s. 18.55 (6) with respect to revenue obligations issued under s. ~~101.143~~ <sup>292.63</sup> (9m).

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 3 SECTION 5. ~~20.165~~ <sup>x</sup> (2) (u) of the statutes is renumbered <sup>✓</sup>20.370 (2) (et) and  
4 amended to read:

5 20.370 (2) (et) *Revenue obligation debt service — petroleum inspection fund.*

- 6 From the fund in the state treasury created under s. 18.57 (1), all moneys received  
7 by the fund for the purpose of the retirement of revenue obligations, providing for  
8 reserves and for operations relating to the management and retirement of revenue  
9 obligations issued under subch. II or IV of ch. 18, as authorized under s. ~~101.143~~  
10 <sup>✓</sup>292.63 (9m), and to make payments under an agreement or ancillary arrangement  
11 entered into under s. 18.55 (6) with respect to revenue obligations issued under s.  
12 ~~101.143~~ <sup>✓</sup>292.63 (9m). All moneys received by the fund are irrevocably appropriated in  
13 accordance with subch. II of ch. 18 and further established in resolutions authorizing  
14 the issuance of the revenue obligations and setting forth the distribution of funds to  
15 be received thereafter. Estimated disbursements under this paragraph shall not be  
16 included in the schedule under s. 20.005.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 17 SECTION 6. ~~20.165~~ <sup>x</sup> (2) (v) of the statutes is renumbered <sup>✓</sup>20.370 (2) (eu) and  
18 amended to read:

19 20.370 (2) (eu) *Petroleum storage environmental remedial action; awards.*

- 20 Biennially, from the petroleum inspection fund, the amounts in the schedule to pay  
21 awards under s. ~~101.143~~ <sup>✓</sup>292.63, legal costs incurred under s. ~~101.143~~ <sup>✓</sup>292.63 (7m),

1 amounts to reduce principal of outstanding revenue obligations issued pursuant to  
2 s. ~~101.143~~ <sup>✓</sup>292.63 (9m) and, if the department promulgates rules under s. ~~101.143~~  
3 <sup>✓</sup>292.63 (2) (i) 1., to purchase, or provide funding to purchase, insurance described in  
4 s. ~~101.143~~ <sup>✓</sup>292.63 (2) (i) 2.

**History:** 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 7.** ~~20.165~~ <sup>✓</sup>(2) (vb) of the statutes is re<sup>✓</sup>numbered 20.370 (2) (ev) and  
6 amended to read:

7 20.370 (2) (ev) *Petroleum storage environmental remedial action revenue*  
8 *bonding; awards.* From the petroleum inspection fund, a sum sufficient not to exceed  
9 the net proceeds of special fund obligations issued pursuant to s. ~~101.143~~ <sup>✓</sup>292.63 (9m)  
10 to pay awards under s. ~~101.143~~ <sup>✓</sup>292.63 (4) and legal costs incurred under s. ~~101.143~~  
11 <sup>✓</sup>292.63 (7m). Estimated disbursements under this paragraph shall not be included  
12 in the schedule under s. 20.005.

**History:** 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 8.** ~~20.165~~ <sup>✓</sup>(2) (vm) of the statutes is re<sup>✓</sup>numbered 20.370 (2) (ew) and  
14 amended to read:

15 20.370 (2) (ew) *Removal of underground petroleum storage tanks.* From the  
16 petroleum inspection fund, the amounts in the schedule for the removal of  
17 abandoned underground petroleum storage tanks under s. ~~101.1435~~ <sup>✓</sup>292.64.

**History:** 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 9.** ~~20.165~~ <sup>✓</sup>(2) (w) of the statutes is re<sup>✓</sup>pealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 1           **SECTION 10.** 20.370<sup>x</sup> (2) (dw) of the statutes is amended to read:
- 2           20.370 (2) (dw) *Solid waste management — environmental repair; petroleum*
- 3           *spills; administration.* From the petroleum inspection fund, the amounts in the
- 4           schedule for the administration of s. ~~101.143~~ ss. 292.63 and 292.64.

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 75, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; s. 13.92 (1) (bm) 2.

- 5           **SECTION 11.** 25.47 (1m) of the statutes is amended to read:

- 6           25.47 (1m) Any fees imposed under s. ~~101.143~~ 292.63 (2) (em) 1.

**History:** 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

- 7           **SECTION 12.** 25.47 (2) of the statutes is amended to read:

- 8           25.47 (2) The payments under s. ~~101.143~~ 292.63 (4) (h) 1m.

**History:** 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

- 9           **SECTION 13.** 25.47 (3) of the statutes is amended to read:

- 10          25.47 (3) The payments under s. ~~101.143~~ 292.63 (5) (a).

**History:** 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

- 11          **SECTION 14.** 25.47 (4) of the statutes is amended to read:

- 12          25.47 (4) The net recoveries under s. ~~101.143~~ 292.63 (5) (c).

**History:** 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

- 13          **SECTION 15.** 25.47 (4m) of the statutes is amended to read:

- 14          25.47 (4m) The payments under s. ~~101.1435~~ 292.64 (3).

**History:** 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

- 15          **SECTION 16.** 25.47 (5) of the statutes is amended to read:

- 16          25.47 (5) The moneys transferred from the appropriation account under s.
- 17          ~~20.165 (2) (s)~~ 20.370 (2) (er).

**History:** 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

- 18          **SECTION 17.** 25.47 (6) of the statutes is amended to read:

1           25.47 (6) The net proceeds of revenue obligations issued under s. ~~101.143~~  
2           292.63 (9m) that are transferred from a separate and distinct fund outside the state  
3           treasury, in an account maintained by a trustee, under s. 18.562 (3).

History: 1987 a. 27, 399; 1991 a. 269; 1993 a. 16, ~~1997 a. 27~~; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

4           **SECTION 18.** 101.02 (20) (a) of the statutes is amended to read:

5           101.02 (20) (a) For purposes of this subsection, "license" means a license,  
6           permit, or certificate of certification or registration issued by the department for an  
7           occupation or profession under s. 101.09 (3) (c), 101.122 (2) (c), ~~101.143 (2) (g)~~,  
8           101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),  
9           101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,  
10          101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,  
11          145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under  
12          ch. 101 or 145.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, ~~414~~, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, ~~283~~; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146.

13          **SECTION 19.** 101.02 (21) (a) of the statutes is amended to read:

14          101.02 (21) (a) In this subsection, "license" means a license, permit, or  
15          certificate of certification or registration issued by the department for an occupation  
16          or profession under s. 101.09 (3) (c), 101.122 (2) (c), ~~101.143 (2) (g)~~, 101.147, 101.15  
17          (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73  
18          (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2),  
19          101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
20          145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, ~~283~~; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146.

21          **SECTION 20.** 101.02 (24) (a) 2. of the statutes is amended to read:

22          101.02 (24) (a) 2. "License" means a license, permit, or certificate of  
23          certification or registration issued by the department for an occupation or profession



1 under s. 101.09 (3) (c), 101.122 (2) (c), ~~101.143 (2) (g)~~<sup>✓</sup>, 101.147, 101.15 (2) (e), 101.16  
2 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654,  
3 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,  
4 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
5 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

Note: Note: Section 101.177 was repealed. Corrective legislation is pending. Note:

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. ~~28~~<sup>✓</sup>, 209, 373; 2011 a. ~~28~~<sup>✓</sup>, 268, 146.

SECTION 21. 101.143 (title) and (1) (title), (intro.), and (ad) of the statutes are  
7 renumbered 292.63 (title) and (1) (title), (intro.), and (ad).

8 SECTION 22. 101.143<sup>✓</sup> (1) (am) of the statutes is renumbered 292.63 (1) (am) and  
9 amended to read:

10 292.63 (1) (am) "Case closure letter" means a letter provided by the department  
11 of natural resources that states that, based on information available to the  
12 department of natural resources, no further remedial action is necessary with  
13 respect to a discharge.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. ~~43~~<sup>✓</sup>; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

14 SECTION 23. 101.143 (1) (b) of the statutes is repealed.

15 SECTION 24. 101.143 (1) (bm) to (i) of the statutes are renumbered 292.63 (1)  
16 (bm) to (i).

17 SECTION 25. 101.143 (1m) of the statutes is renumbered 292.63 (1m).

18 SECTION 26. 101.143 (2) (title) and (b) and (c) of the statutes are renumbered  
19 292.63 (2) (title) and (b) and (c).

20 SECTION 27. 101.143<sup>✓</sup> (2) (d) of the statutes is renumbered 292.63 (2) (d) and  
21 amended to read:

22 292.63 (2) (d) The department shall reserve a portion, not to exceed 20%, of the  
23 amount annually appropriated under s. ~~20.165 (2) (v)~~<sup>✓</sup> 20.370 (2) (eu) for awards

under this section to be used to fund emergency remedial action and claims that exceed the amount initially anticipated.

**History:** 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 28.** 101.143 (2) (e) to (g) of the statutes are renumbered 292.63 (2) (e) to (g).

**SECTION 29.** 101.143 (2) (h) of the statutes is renumbered 292.63 (2) (h) and 292.63 (2) (h) (intro.) and 3., as renumbered, are amended to read:

**292.63 (2) (h) (intro.)** The department of safety and professional services and the department of natural resources, jointly, shall promulgate rules designed to facilitate effective and cost-efficient administration of the program under this section that specify all of the following:

**History:** 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

3. Review procedures that must be followed by employees of the department of natural resources and the department of commerce [safety and professional services] in reviewing the information submitted under subd. 1.

**Note:** The correct agency name is shown in brackets. Corrective legislation is pending. **Note:**

**History:** 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 30.** 101.143 (2) (i) of the statutes is renumbered 292.63 (2) (i) and 292.63 (2) (i) (intro.) and 1., as renumbered, are amended to read:

**292.63 (2) (i) (intro.)** The department of safety and professional services and the department of natural resources, jointly, shall promulgate rules specifying procedures for evaluating remedial action plans and procedures to be used by employees of the department of safety and professional services and the department of natural resources while remedial actions are being conducted. The departments department shall specify procedures that include all of the following:

**History:** 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

1. Annual reviews that include application of the method in the rules promulgated under sub. (2e) (b) (a) to determine the risk posed by discharges that are the subject of the remedial actions.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

SECTION 31. 101.143 (2) (j) of the statutes is renumbered 292.63 (2) (j) and 292.63 (2) (j) (intro.) and 1., as renumbered, are amended to read:

292.63 (2) (j) (intro.) The department of safety and professional services and the department of natural resources, jointly, shall promulgate rules specifying all of the following:

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

1. The conditions under which employees of the department of commerce [safety and professional services] and the department of natural resources must issue approvals under sub. (3) (c) 4.

(Note: Note: The correct agency name is shown in brackets. Corrective legislation is pending. Note)

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

SECTION 32. 101.143 (2) (k) of the statutes is repealed.

SECTION 33. 101.143 (2) (L) of the statutes is renumbered 292.63 (2) (L) and amended to read:

292.63 (2) (L) The department may promulgate rules for the assessment and collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and for providing other assistance requested by applicants under this section. Any moneys collected under this paragraph shall be credited to the appropriation account under s. 20.165 (2) (Lm) 20.370 (2) (ej).

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

SECTION 34. 101.143 (2e) (title) of the statutes is renumbered 292.63 (2e) (title).

SECTION 35. 101.143 (2e) (a) of the statutes is renumbered 292.63 (2e) (a) and amended to read:

1           292.63 (2e) (a) ~~The department of safety and professional services and the~~  
2     ~~department of natural resources shall attempt to agree on promulgate rules that~~  
3     ~~specify~~ a method, which shall include individualized consideration of the routes for  
4     migration of petroleum product contamination at each site, for determining the risk  
5     to public health, safety and welfare and to the environment posed by discharges for  
6     which the department of safety and professional services receives notification under  
7     sub. (3) (a) 3.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

8           **SECTION 36.** 101.143 (2e) (b) of the statutes is repealed.

9           **SECTION 37.** 101.143 (2e) (c) of the statutes is renumbered 292.63 (2e) (c) and  
10     amended to read:

11           292.63 (2e) (c) ~~The department of natural resources or, if the discharge is~~  
12     ~~covered under s. 101.144 (2) (b), the department of safety and professional services~~  
13     shall apply the method in the rules promulgated under par. (b) (a) to determine the  
14     risk posed by a discharge for which the department of safety and professional  
15     services receives notification under sub. (3) (a) 3.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

16           **SECTION 38.** 101.143 (2m) of the statutes is repealed.

17           **SECTION 39.** 101.143 (3) (title) and (a) of the statutes are renumbered 292.63  
18     (3) (title) and (a) and 292.63 (3) (a) 4., 5., and 9., as renumbered, are amended to read:

19           292.63 (3) (a) 4. The owner or operator registers the petroleum product storage  
20     system or the home oil tank system is registered with the department under s.  
21     101.09.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

1           5. The owner or operator or the person reports the discharge in a timely manner  
2           to the division of emergency management in the department of military affairs or to  
3           the department of natural resources, according to the requirements under s. 292.11.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

4           9. The owner or operator or the person follows standards for groundwater  
5           restoration in the groundwater standards in the rules promulgated by the  
6           department of natural resources under ss. 160.07 and 160.09 and restores the  
7           environment, to the extent practicable, according to those standards at the site of the  
8           discharge from a petroleum product storage system or home oil tank system.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

9           **SECTION 40.** 101.143 (3) (ae) of the statutes is renumbered 292.63 (3) (ae) and  
10          amended to read:

11           292.63 (3) (ae) *New systems.* An owner or operator or a person owning a home  
12          oil tank system is not eligible for an award under this section for costs incurred  
13          because of a petroleum product discharge from an underground petroleum product  
14          storage tank system or a home oil tank system that meets the performance standards  
15          in 40 CFR 280.20 or in rules promulgated by the department of safety and  
16          professional services relating to underground petroleum product storage tank  
17          systems installed after December 22, 1988, if the discharge is confirmed after  
18          December 31, 1995.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

\*\*\*\*NOTE: The rules about the storage tank systems will not become DNR rules.

There is a budget draft that would transfer the authority over the systems to DATCP. If  
that happens, the rules will become DATCP rules and this provision and s. 101.143 (3)  
(ah) and (am) should refer to rules promulgated by DATCP.

19          **SECTION 41.** 101.143 (3) (ah) of the statutes is renumbered 292.63 (3) (ah) and  
20          amended to read:

1           292.63 (3) (ah) *New aboveground systems.* An owner or operator is not eligible  
2           for an award under this section for costs incurred because of a petroleum product  
3           discharge from a petroleum product storage system that is not an underground  
4           petroleum product storage tank system and that meets the performance standards  
5           in rules promulgated by the department of safety and professional services relating  
6           to petroleum product storage systems that are not underground petroleum product  
7           storage tank systems and that are installed after April 30, 1991, if the discharge is  
8           confirmed after December 22, 2001.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

9           **SECTION 42.** 101.143 (3) (am) of the statutes is renumbered 292.63 (3) (am) and  
10          amended to read:

11          292.63 (3) (am) *Upgraded underground systems.* 1. An owner or operator or  
12          a person owning a home oil tank system is not eligible for an award under this section  
13          for costs incurred because of a petroleum product discharge from an underground  
14          petroleum product storage tank system or a home oil tank system if the discharge  
15          is confirmed after December 31, 1995, and the discharge is confirmed, or activities  
16          under par. (c) or (g) are begun with respect to that discharge, after the day on which  
17          the underground petroleum product storage tank system or home oil tank system  
18          first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
19          promulgated by the department of safety and professional services relating to the  
20          upgrading of existing underground petroleum product storage tank systems, except  
21          as provided in subd. 2.

22          2. If an underground petroleum product storage tank system or home oil tank  
23          system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
24          promulgated by the department of safety and professional services relating to the

1 upgrading of existing underground petroleum product storage tank systems, after  
2 December 31, 1993, and the owner or operator or person owning the home oil tank  
3 system applies for private pollution liability insurance covering the underground  
4 petroleum product storage tank system or home oil tank system within 30 days after  
5 the day on which the underground petroleum product storage tank system or home  
6 oil tank system first meets those upgrading requirements, then the owner or  
7 operator or person remains eligible for an award for costs incurred because of a  
8 petroleum product discharge, from that underground petroleum product storage  
9 tank system or home oil tank system, which is confirmed, and with respect to which  
10 activities under par. (c) or (g) are begun, before the 91st day after the day on which  
11 the underground petroleum product storage tank system or home oil tank system  
12 first meets those upgrading requirements.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 37, 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

13 **SECTION 43.** 101.143 (3) (ap) of the statutes is renumbered 292.63 (3) (ap) and  
14 amended to read:

15 292.63 (3) (ap) *Upgraded aboveground systems.* An owner or operator is not  
16 eligible for an award under this section for costs incurred because of a petroleum  
17 product discharge from a petroleum product storage system that is not an  
18 underground petroleum product storage tank system if the discharge is confirmed  
19 after December 22, 2001, and the discharge is confirmed, or activities under par. (c)  
20 or (g) are begun with respect to that discharge, after the day on which the petroleum  
21 product storage system first meets the upgrading requirements in state rules  
22 ~~promulgated by the department~~ relating to the upgrading of existing petroleum

product storage systems that are not underground petroleum product storage tank systems.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 44.** 101.143 (3) (av) of the statutes is renumbered 292.63 (3) (av) and

amended to read:

292.63 (3) (av) *Claims submitted for petroleum product storage systems on tribal trust lands.* The owner or operator of a petroleum product storage system located on trust lands of an American Indian tribe may submit a claim for an award under sub. (4) if the owner or operator otherwise satisfies par. (a) and complies with the rules promulgated under this section and any other state rules promulgated by the department concerning petroleum product storage systems.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 45.** 101.143 (3) (b), (bm) and (bn) of the statutes are renumbered

292.63 (3) (b), (bm) and (bn).

**SECTION 46.** 101.143 (3) (c) of the statutes is renumbered 292.63 (3) (c) and

292.63 (3) (c) 4., as renumbered, is amended to read:

292.63 (3) (c) 4. Receive written approval from the department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), from the department of safety and professional services that the remedial action activities performed under subd. 3. meet the requirements of s. 292.11.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 47.** 101.143 (3) (cm) of the statutes is renumbered 292.63 (3) (cm) and

amended to read:

292.63 (3) (cm) *Monitoring as remedial action.* An owner or operator or person owning a home oil tank system may, with the approval of the department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of



1 ~~safety and professional services~~, satisfy the requirements of par. (c) 2. and 3. by  
2 proposing and implementing monitoring to ensure the effectiveness of natural  
3 attenuation of petroleum product contamination.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2002 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

4 **SECTION 48.** 101.143 (3) (cp) of the statutes is renumbered 292.63 (3) (cp) and  
5 amended to read:

6 292.63 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. to 5. and  
7 ~~3.~~ <sup>5</sup>, if the department of natural resources or, if the site is covered under s. 101.144  
8 (2) (b), the department of safety and professional services estimates that the cost to  
9 complete a site investigation, remedial action plan and remedial action for an  
10 occurrence exceeds \$60,000, the department of safety and professional services shall  
11 implement a competitive public bidding process to obtain information to assist in  
12 making the determination under par. (cs).

13 2. The department of safety and professional services or the department of  
14 natural resources may waive the requirement under subd. 1. if an enforcement  
15 standard is exceeded in groundwater within 1,000 feet of a well operated by a public  
16 utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide  
17 water for human consumption.

18 5. The department of safety and professional services or the department of  
19 natural resources may waive the requirement under subd. 1. after providing notice  
20 to the ~~other department~~ secretary of administration.

\*\*\*\*NOTE: To whom should DNR provide notice?

21 6. The department of safety and professional services may disqualify a bid  
22 received under subd. 1. if, based on information available to the department and  
23 experience with remedial action at other sites, the bid is unlikely to establish an

1 amount to sufficiently fund remedial action that will comply with par. (c) 3. and with  
2 enforcement standards.

3 7. The department of ~~safety and professional services~~ may disqualify a person  
4 from submitting bids under subd. 1. if, based on past performance of the bidder, the  
5 department determines that the person has demonstrated an inability to complete  
6 remedial action within established cost limits.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

7 **SECTION 49.** 101.143 (3) (cs) (title) of the statutes is renumbered 292.63 (3) (cs)  
8 (title).

9 **SECTION 50.** 101.143 (3) (cs) 1. of the statutes is renumbered 292.63 (3) (cs) 1.  
10 and amended to read:

11 292.63 (3) (cs) 1. The department of ~~safety and professional services~~ shall  
12 review the remedial action plan for a site that is classified as low or medium risk  
13 under s. ~~101.144~~ and shall determine the least costly method of complying with par.  
14 (c) 3. and with enforcement standards. The department shall notify the owner or  
15 operator of its determination of the least costly method and shall notify the owner  
16 or operator that reimbursement for remedial action under this section is limited to  
17 the amount necessary to implement that method.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

18 **SECTION 51.** 101.143 (3) (cs) 2. of the statutes is repealed.

19 **SECTION 52.** 101.143 (3) (cs) 3. of the statutes is renumbered 292.63 (3) (cs) 3.  
20 and amended to read:

21 292.63 (3) (cs) 3. In making determinations under subds. subd. 1. and 2., the  
22 department of ~~natural resources and the department of safety and professional~~

1 services shall determine whether natural attenuation will achieve compliance with  
2 par. (c) 3. and with enforcement standards.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

3 **SECTION 53.** 101.143 (3) (cs) 4. of the statutes is renumbered 292.63 (3) (cs) 4.  
4 and amended to read:

5 292.63 (3) (cs) 4. The department of safety and professional services may  
6 review and modify an amount established under subd. 1. if the department  
7 determines that new circumstances, including newly discovered contamination at a  
8 site, warrant those actions. ~~The department of safety and professional services and~~  
9 ~~the department of natural resources may review and modify an amount established~~  
10 ~~under subd. 2. if the departments determine that new circumstances, including~~  
11 ~~newly discovered contamination at a site, warrant those actions.~~

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

12 **SECTION 54.** 101.143 (3) (cw) (title) of the statutes is renumbered 292.63 (3) (cw)  
13 (title).

14 **SECTION 55.** 101.143 (3) (cw) 1. of the statutes is renumbered 292.63 (3) (cw)  
15 1. and amended to read:

16 292.63 (3) (cw) 1. The department of safety and professional services shall  
17 conduct the annual review required under sub. (2) (i) 1. for a site that is classified as  
18 ~~low or medium risk under s. 101.144~~ and shall determine the least costly method of  
19 completing remedial action at the site in order to comply with par. (c) 3. and with  
20 enforcement standards. The department shall notify the owner or operator of its  
21 determination of the least costly method and shall notify the owner or operator that

reimbursement under this section for any remedial action conducted after the date of the notice is limited to the amount necessary to implement that method.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33, 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 56.** 101.143 (3) (cw) 2. of the statutes is repealed.

**SECTION 57.** 101.143 (3) (cw) 3. of the statutes is renumbered 292.63 (3) (cw)

3. and amended to read:

292.63 (3) (cw) 3. In making determinations under subds. subd. 1. and 2., the department of natural resources and the department of safety and professional services shall determine whether natural attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33, 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 58.** 101.143 (3) (cw) 4. of the statutes is renumbered 292.63 (3) (cw)

4. and amended to read:

292.63 (3) (cw) 4. The department of safety and professional services may review and modify an amount established under subd. 1. if the department determines that new circumstances, including newly discovered contamination at a site, warrant those actions. ~~The department of safety and professional services and the department of natural resources may review and modify an amount established under subd. 2. if the departments determine that new circumstances, including newly discovered contamination at a site, warrant those actions.~~

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33, 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 59.** 101.143 (3) (d) of the statutes is renumbered 292.63 (3) (d) and

amended to read:

292.63 (3) (d) *Final review of remedial action activities.* The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of safety and professional services shall complete a final review of the

1 remedial action activities within 60 days after the claimant notifies the appropriate  
2 department that the remedial action activities are completed.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

3 **SECTION 60.** 101.143 (3) (e) of the statutes is repealed.

4 **SECTION 61.** 101.143 (3) (f) of the statutes is renumbered 292.63 (3) (f) and  
5 292.63 (3) (f) 5., as renumbered, is amended to read:

6 292.63 (3) (f) 5. The written approval of the department of natural resources  
7 or the department of safety and professional services under par. (c) 4.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

8 **SECTION 62.** 101.143 (3) (g) of the statutes is renumbered 292.63 (3) (g) and  
9 amended to read:

10 292.63 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1. and  
11 2., an owner or operator or the person may submit a claim for an award under sub.  
12 (4) after notifying the department under par. (a) 3., without completing an  
13 investigation under par. (c) 1. and without preparing a remedial action plan under  
14 par. (c) 2. If an emergency existed which made the investigation under par. (c) 1. and  
15 the remedial action plan under par. (c) 2. inappropriate and, before conducting  
16 remedial action, the owner or operator or person notified the department of safety  
17 and professional services and the department of natural resources of the emergency  
18 and the department of safety and professional services and the department of  
19 natural resources authorized emergency action.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

20 **SECTION 63.** 101.143 (3) (h) of the statutes is renumbered 292.63 (3) (h).

21 **SECTION 64.** 101.143 (4) (title) of the statutes is renumbered 292.63 (4) (title).

22 **SECTION 65.** 101.143 (4) (a) of the statutes is renumbered 292.63 (4) (a) and  
23 292.63 (4) (a) 6. and 7., as renumbered, are amended to read:

292.63 (4) (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ <sup>✓</sup> 20.370 (2) (eu) as awards for petroleum product storage systems described in par. (ei).

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

7. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ <sup>✓</sup> 20.370 (2) (eu) as awards for petroleum product storage systems that are owned by school districts and that are used for storing heating oil for consumptive use on the premises where stored.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 66.** 101.143 (4) (b) of the statutes is renumbered 292.63 (4) (b).

**SECTION 67.** 101.143 (4) (c) of the statutes is renumbered 292.63 (4) (c) and 292.63 (4) (c) 12., as renumbered, is amended to read:

292.63 (4) (c) 12. Costs that are incurred after the date of a notice under sub. (3) (cw) 1. <sup>✓</sup> ~~or 2.~~ and that exceed the amount necessary to comply with sub. (3) (c) 3. and with enforcement standards using the method specified in the notice.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 68.** 101.143 (4) (cc) of the statutes is renumbered 292.63 (cc).

**SECTION 69.** 101.143 (4) (ce) of the statutes is renumbered 292.63 (4) (ce).

**SECTION 70.** 101.143 (4) (cm) of the statutes is renumbered 292.63 (4) (cm).

**SECTION 71.** 101.143 (4) (d) of the statutes is renumbered 292.63 (4) (d).

**SECTION 72.** 101.143 (4) (dg) of the statutes is renumbered 292.63 (4) (dg).

**SECTION 73.** 101.143 (4) (di) of the statutes is renumbered 292.63 (4) (di).

**SECTION 74.** 101.143 (4) (dm) of the statutes is renumbered 292.63 (4) (dm).

**SECTION 75.** 101.143 (4) (dr) of the statutes is renumbered 292.63 (4) (dr).

**SECTION 76.** 101.143 (4) (e) of the statutes is renumbered 292.63 (4) (e).

**SECTION 77.** 101.143 (4) (ee) of the statutes is renumbered 292.63 (4) (ee).

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SECTION 78. 101.143 (4) (ei) of the statutes is renumbered 292.63 (4) (ei) and

2 292.63 (4) (ei) 1m. a. and b. and 2m., as renumbered, are amended to read:

3 292.63 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel of  
4 35 or more acres of contiguous land, on which the farm tank is located, which is  
5 devoted primarily to agricultural use, as defined in s. 91.01 (2), including land  
6 designated by the department of natural resources as part of the ice age trail under  
7 s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
8 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
9 which, during the 3 years preceding that submission produced gross farm profits, as  
10 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
11 which the farm tank is located, of which at least 35 acres, during part or all of the  
12 year preceding that submission, were enrolled in the conservation reserve program  
13 under 16 USC 3831 to 3836.

14 b. The claim is submitted by a person who, at the time that the notification was  
15 made under sub. (3) (a) 3., was the owner of the farm tank and owned a parcel of 35  
16 or more acres of contiguous land, on which the farm tank is or was located, which was  
17 devoted primarily to agricultural use, as defined in s. 91.01 (2), including land  
18 designated by the department of natural resources as part of the ice age trail under  
19 s. 23.17, which during the year preceding that notification produced gross farm  
20 profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years  
21 preceding that notification, produced gross farm profits, as defined in s. 71.58 (4), of  
22 not less than \$18,000, or a parcel of 35 or more acres, on which the farm tank is  
23 located, of which at least 35 acres, during part or all of the year preceding that  
24 notification, were enrolled in the conservation reserve program under 16 USC 3831  
25 to 3836.

2m. The owner or operator of the farm tank has received a letter or notice from the department of safety and professional services or department of natural resources indicating that the owner or operator must conduct a site investigation or remedial action because of a discharge from the farm tank or an order to conduct such an investigation or remedial action.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 79.** 101.143 (4) (em) of the statutes is renumbered 292.63 (4) (em).

**SECTION 80.** 101.143 (4) (es) of the statutes is renumbered 292.63 (4) (es) and 292.63 (4) (es) 1., as renumbered, is amended to read:

292.63 (4) (es) 1. The department shall issue an award for a claim filed after August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987, by an owner or operator or a person owning a home oil tank system in investigating the existence of a discharge or investigating the presence of petroleum products in soil or groundwater if the investigation is undertaken at the written direction of the department of safety and professional services or the department of natural resources and no discharge or contamination is found.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

**SECTION 81.** 101.143 (4) (f) of the statutes is renumbered 292.63 (4) (f).

**SECTION 82.** 101.143 (4) (g) of the statutes is renumbered 292.63 (4) (g).

**SECTION 83.** 101.143 (4) (h) of the statutes is renumbered 292.63 (4) (h).

**SECTION 84.** 101.143 (4e) of the statutes is renumbered 292.63 (4e).

**SECTION 85.** 101.143 (4m) of the statutes is renumbered 292.63 (4m).

**SECTION 86.** 101.143 (5) of the statutes is renumbered 292.63 (5).

**SECTION 87.** 101.143 (6) of the statutes is renumbered 292.63 (6).

**SECTION 88.** 101.143 (6s) of the statutes is renumbered 292.63 (6s).



1           **SECTION 89.** 101.143<sup>x</sup> (7) of the statutes is re<sup>✓</sup>numbered 292.63 (7).

2           **SECTION 90.** 101.143<sup>x</sup> (7m) of the statutes is re<sup>✓</sup>numbered 292.63 (7m).

3           **SECTION 91.** 101.143<sup>x</sup> (9) of the statutes is re<sup>✓</sup>numbered 292.63 (9).

4           **SECTION 92.** 101.143<sup>x</sup> (9m) of the statutes is re<sup>✓</sup>numbered 292.63 (9m).

5           **SECTION 93.** 101.143<sup>x</sup> (10) of the statutes is re<sup>✓</sup>numbered 292.63 (10).

6           **SECTION 94.** 101.143<sup>x</sup>5 of the statutes is re<sup>✓</sup>numbered 292.64.

7           **SECTION 95.** 101.144<sup>x</sup> of the statutes is re<sup>✓</sup>pealed.

8           **SECTION 96.** 101.19<sup>x</sup> (1r) of the statutes is amended to read:

9           101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
10          any fee imposed on an individual who is eligible for the veterans fee waiver program  
11          under s. 45.44 for a license, permit, or certificate of certification or registration issued  
12          by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143<sup>✓</sup> (2) (g), 101.147,  
13          101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or  
14          (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,  
15          101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16,  
16          145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

Note: Note: Section 101.177 was repealed. Corrective legislation is pending. Note:

History: 1971 c. 185; 1971 c. 228 s. 42; Stats. 1971 s. 101.19; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1983 a. 27, 94, 446; 1987 a. 343; 1991 a. 39, 269; 1993 a. 414; 1999 a. 53; 2001 a. 16; 2005 a. 45, 456; 2007 a. 203; 2009 a. 28; 2011 a. 32, 199, 209.

17           **SECTION 97.** 227.03<sup>x</sup> (7m) of the statutes is amended to read:

18           227.03 (7m) Except as provided in s. 101.143 292.63<sup>✓</sup> (6s), this chapter does not  
19          apply to proceedings in matters that are arbitrated under s. 101.143 292.63<sup>✓</sup> (6s).

History: 1985 a. 182; 1989 a. 31; 1991 a. 32, 295; 1993 a. 16, 263, 377; 1995 a. 27 ss. 6224 to 6226m, 9130 (4); 1995 a. 77, 227, 351; 1997 a. 3, 191, 237, 283; 1999 a. 82; 2003 a. 33; 2007 a. 1.

20           **SECTION 98.** 227.44<sup>x</sup> (8) of the statutes is amended to read:

21           227.44 (8) A stenographic, electronic or other record of oral proceedings shall  
22          be made in any class 2 or class 3 proceeding and in any class 1 proceeding when  
23          requested by a party. Each agency may establish rules relating to the transcription

1 of the record into a written transcript and the providing of free copies of the written  
2 transcript. Rules may require a purpose for transcription which is deemed by the  
3 agency to be reasonable, such as appeal, and if this test is met to the satisfaction of  
4 the agency, the record shall be transcribed at the agency's expense, except that in  
5 preparing the record for judicial review of a decision that was made in an appeal  
6 under s. 227.47 (2) or in an arbitration proceeding under s. ~~101.143~~ <sup>✓</sup>292.63 (6s) or  
7 230.44 (4) (bm) the record shall be transcribed at the expense of the party petitioning  
8 for judicial review. Rules may require a showing of impecuniousness or financial  
9 need as a basis for providing a free copy of the transcript, otherwise a reasonable  
10 compensatory fee may be charged. If any agency does not promulgate such rules,  
11 then it must transcribe the record and provide free copies of written transcripts upon  
12 request. In any event, an agency shall not refuse to provide a written transcript if  
13 the person making the request pays a reasonable compensatory fee for the  
14 transcription and for the copy. This subsection does not apply where a transcript fee  
15 is specifically provided by law.

History: 1975 c. 414; 1977 c. 26, 418; 1985 a. 182<sup>✗</sup>ss. 32, 52, 55 (1); Stats. 1985 s. 227.44; 1993 a. 16; 1997 a. 237; 2003 a. 33, 118.

16 **SECTION 99.** 238.133 (1) (c) of the statutes is amended to read:

17 238.133 (1) (c) "Petroleum product" has the meaning given in s. ~~101.143~~ <sup>✓</sup>292.63

18 (1) (f).

History: 1999 a. 9; 2001 a. 16, 30; 2011 a. 32 s. 2990<sup>✗</sup>; Stats. 2011 s. 238.133.

19 **SECTION 100.** 238.133 (1) (e) of the statutes is amended to read:

20 238.133 (1) (e) "Underground petroleum product storage tank" has the  
21 meaning given in s. ~~101.143~~ <sup>✓</sup>292.63 (1) (i).

History: 1999 a. 9; 2001 a. 16, 30; 2011 a. 32 s. 2990<sup>✗</sup>; Stats. 2011 s. 238.133.

22 **SECTION 101.** 292.11 (2) (e) of the statutes is repealed. <sup>✓</sup>

23 **SECTION 102.** 292.11 (7) (a) of the statutes is amended to read: <sup>✗</sup>

292.11 (7) (a) Subject to ss. 94.73 (2m) and 101.144 (3), in any case where action required under sub. (3) is not being adequately taken or the identity of the person responsible for the discharge is unknown, the department or its authorized representative may identify, locate, monitor, contain, remove or dispose of the hazardous substance or take any other emergency action which it deems appropriate under the circumstances.

History: 1995 a. 227 ss. 700, 703 to 707, 710, 993; 1994 a. 27, 35; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 30; 2007 a. 20; 2009 a. 28, 42; 2011 a. 32.

**SECTION 103.** 292.11 (7) (c) of the statutes is amended to read:

292.11 (7) (c) Subject to ss. 94.73 (2m) and 101.144 (3), the department, for the protection of public health, safety or welfare, may issue an emergency order or a special order to the person possessing, controlling or responsible for the discharge of hazardous substances to fulfill the duty imposed by sub. (3).

History: 1995 a. 227 ss. 700, 703 to 707, 710, 993; 1994 a. 27, 35; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 30; 2007 a. 20; 2009 a. 28, 42; 2011 a. 32.

**SECTION 104.** 292.12 (1) (a) of the statutes is amended to read:

292.12 (1) (a) “Agency with administrative authority” means the department of agriculture, trade and consumer protection with respect to a site over which it has jurisdiction under s. 94.73 (2), ~~the department of safety and professional services with respect to a site over which it has jurisdiction under s. 101.144 (2) (a),~~ or the department of natural resources with respect to a site over which it has jurisdiction under s. 292.11 (7).

History: 2005 a. 418; 2011 a. 32.

**SECTION 105.** 292.99 (1) of the statutes is amended to read:

292.99 (1) Except as provided under sub. (1m) and s. 292.63 (10), any person who violates this chapter or any rule promulgated or any plan approval, license or special order issued under this chapter shall forfeit not less than \$10 nor more than

1 \$5,000 for each violation. Each day of continued violation is a separate offense.

2 While an order is suspended, stayed or enjoined, this penalty does not accrue.

History: 1995 a. 227; 1999 a. 9; 2001 a. 16, 109; 2007 a. 309.

3 **SECTION 106.** 299.07 (1) (a) 6m. of the statutes is created to read:

4 299.07 (1) (a) 6m. A certification or registration under s. 292.63 (2) (g).

5 **SECTION 107.** 299.08 (1) (a) 6m. of the statutes is created to read:

6 299.08 (1) (a) 6m. A certification or registration under s. 292.63 (2) (g).

7 **SECTION 108.** 299.09 (1) of the statutes is amended to read:

8 299.09 (1) In this section, "approval" means a well driller license under s.  
9 280.15 (2m), certification for an incinerator operator under s. 285.51 (2), or  
10 certification for an operator of a solid waste disposal facility under s. 289.42 (1), or  
11 certification of a consultant under s. 292.63 (2) (g).

History: 2011 a. 120.

12 **SECTION 109.** 601.415 (10) of the statutes is amended to read:

13 601.415 (10) PETROLEUM PRODUCT STORAGE REMEDIAL ACTION PROGRAM RULES.

14 The commissioner shall promulgate the rules required under s. 101.143 292.63 (1m).

History: 1979 c. 102; 1981 c. 96, 314; 1983 a. 358 s. 14; 1985 a. 256; 1987 a. 27, 47, 247; 1989 a. 31; 1989 a. 187 s. 29; 1991 a. 243; 1995 a. 27, 462; 1997 a. 27; 2005 a. 74, 316; 2007 a. 20 ss. 3652m, 9121 (6) (a); 2009 a. 34.

15 **SECTION 110.** 788.01 of the statutes is amended to read:

16 **788.01 Arbitration clauses in contracts enforceable.** A provision in any  
17 written contract to settle by arbitration a controversy thereafter arising out of the  
18 contract, or out of the refusal to perform the whole or any part of the contract, or an  
19 agreement in writing between 2 or more persons to submit to arbitration any  
20 controversy existing between them at the time of the agreement to submit, shall be  
21 valid, irrevocable and enforceable except upon such grounds as exist at law or in  
22 equity for the revocation of any contract. This chapter shall not apply to contracts  
23 between employers and employees, or between employers and associations of

- 1 employees, except as provided in s. 111.10, nor to agreements to arbitrate disputes  
2 under s. ~~101.143~~ <sup>v</sup> 292.63 (6s) or 230.44 (4) (bm).

3 **History:** 1979 c. 32 s. 64; Stats. 1979 s. 788.01; 1993 a. 16; 1997 a. 237, 254; 2001 a. 38.

(END)

Note

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1092/P1ins  
RCT:eev:...

INS EEV

**SECTION 1.** 101.1435 of the statutes is renumbered 292.64, and 292.64 (1) (b) and (2) (b), as renumbered, are amended to read:

**292.64 (1) (b)** “Underground petroleum product storage tank system” has the meaning given in s. ~~101.143~~ 292.63 (1) (i).

**(2) (b)** Using the method that the department uses to determine inability to pay under s. ~~101.143~~ 292.63 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation.

END INS EEV

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1092/P1dn

RCT:.....

eev

date

Cory Stinebrink:

This is a preliminary draft of the proposal to transfer PECFA to DNR. This version does not include transitional provisions (transfer of employees and so forth) or a sunset for PECFA eligibility.

PECFA is a very complex program. The draft and current s. 101.143<sup>v</sup> should be reviewed carefully, but expeditiously, to determine exactly what changes to PECFA are wanted. In particular, see the note following s. 101.143<sup>v</sup> (3) (cp) 5.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1092/P1dn  
RCT:eev:rs

January 15, 2013

Cory Stinebrink:

This is a preliminary draft of the proposal to transfer PECFA to DNR. This version does not include transitional provisions (transfer of employees and so forth) or a sunset for PECFA eligibility.

PECFA is a very complex program. The draft and current s. 101.143 should be reviewed carefully, but expeditiously, to determine exactly what changes to PECFA are wanted. In particular, see the note following s. 101.143 (3) (cp) 5.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)



## Tradewell, Becky

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**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Tuesday, January 22, 2013 4:12 PM  
**To:** Tradewell, Becky  
**Subject:** 1092 - Comments on PECFA draft

Becky-

I have included DNR's comments below and my thoughts on their comments in Orange.

Also, in response to your drafter's notes: We won't be doing any sunseting of PECFA or phasing anything out. I had probably mentioned the possibility of non-stat provision requiring DNR to report on the program, but that won't be necessary either. Odd that they're request something in the bill requiring them to do something they can just do themselves. But, I digress.

With this transfer, all current incumbent employees and anything else like encumbrances and liabilities would go from DSPS to DNR. Let me know if you have any further questions regarding transitional provisions. This would happen on effective date of the bill.

Thanks,  
Cory

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**From:** Cooke, Timothy C - DNR  
**Sent:** Wednesday, January 16, 2013 1:32 PM  
**To:** Polasek Jr, Joseph P - DNR; Neumann, Paul F - DNR  
**Cc:** Stevens, Patrick K - DNR; Giesfeldt, Mark F - DNR; Gordon, Mark E - DNR; Voltz, Jeffrey R - DNR  
**Subject:** RE: New PECFA Draft

Hi Joe and Paul-

Please find attached RR's comments to the draft PECFA legislation.

### Comment #1:

From page 2,

**Section 2.** 20.165(2)(r) is amended to read:

*20.165(2)(r) Safety and building operations; petroleum inspection fund. From the petroleum inspection fund, the amounts in the schedule for the purposes of ch. 168 and ss. 101.09 and 101.142, ~~and 101.1435~~*

In the draft legislation, ss. 20.165(2)(r), Stats. would be transferred to DATCP because the following functions would be administered by DATCP:

- ch. 168 pertaining to oil inspection
- ss. 101.09. Stats. pertaining to the storage of flammable, combustible, and hazardous liquids
- ss. 101.42, Stats. pertaining to the inventory of petroleum storage tanks

DNR would be administering the removal of abandoned tanks, authorized in ss. 101.1435, Stats. DNR would receive \$100,000 to remove abandoned tanks, per ss. 20.165(2)(vm), but under the proposed legislation, DNR would not get any funding to administer the program. A portion of the \$5,192,300 authorized in s. 20.165(2)(r) was intended to support

the administration of ss. 20.165(2)(vm), so DNR requests that administrative funding for that portion of the \$5,192,300 gets transferred to DNR rather than DATCP, since DATCP will not be administering that program.

I believe this bottom part is more directed at me, so ignore that. As to the top part, I believe that 20.165(2)(r) would be repealed between this draft and the draft that Mary Gibson-Glass has for the transfer of the Tanks program to DATCP, but I believe you're both well aware of that. *- I responded that Cery is correct about this. Ret*

**Comment #2:**

The PECFA program continues to receive federal grants, and the grants in that program should be transferred to DNR too. Should the draft legislation formally move any funding that may run through *Federal funds* ss. 20.165(2)(m), Stats. or *Federal aid – program administration* ss. 20.165(2)(ma) to DNR, or can these grants run through DNR's currently authorized appropriation *General program operations – environmental fund; federal funds* ss. 20.370(2)(my), which is where the LUST grant currently resides at DNR?

Does the draft have to formally move funding for LUST grants from DSPS to DNR? Or can I just do that by transferring funding? *I responded that DNR can transfer the funding. Ret*

**Comment #3:**

Delete the bid waiver notice on page 14 in ss. 101.143(3)(cp)5. As drafted, the bid waiver notice requires a notice to the DOA Secretary. This provision was not previously required. Currently, DNR and DSPS must only notify the other department when there is a bid waiver, not the DOA Secretary. Since this program would reside at DNR, there is no need for the interdepartmental coordination of the bid waiver notice.

This addresses the particular note you made. *I responded that repealing the provision would give DNR less authority than under current law. If they want carte blanche to waive the bidding requirement, additional changes should be made. Ret*

**Comment #4:**

Delete the definition of "case closure letter" in ss. 101.143(1)(am), Stats. There are no occurrences of this term in all of ch. 101. Furthermore, "case closure" and "case closure letter" are defined in ch. 292, Stats. *OK Ret*

## Tradewell, Becky

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**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Thursday, January 24, 2013 8:46 AM  
**To:** Tradewell, Becky  
**Subject:** FW: Comments on PECFA draft---bid waiver provision

It appears the Department is now satisfied with the bid waiver language as drafted. Is that all you needed on the PECFA draft then?

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**From:** Neumann, Paul F - DNR  
**Sent:** Thursday, January 24, 2013 8:15 AM  
**To:** Stinebrink, Cory R - DOA  
**Cc:** Polasek Jr, Joseph P - DNR  
**Subject:** FW: Comments on PECFA draft---bid waiver provision

Good morning, Cory.

After further consultation with staff, the Department is satisfied with how the bid waiver language on page 14 is drafted. Let us know if you need anything else.

Thanks,  
Paul

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**From:** Stinebrink, Cory R - DOA  
**Sent:** Wednesday, January 23, 2013 9:08 AM  
**To:** Neumann, Paul F - DNR  
**Subject:** FW: 1092 - Comments on PECFA draft

Becky's reply to one of the PECFA Draft comments. My comment was in Orange, her response is in green. What you sent me is in blue. Any thoughts?

### Comment #3:

Delete the bid waiver notice on page 14 in ss. 101.143(3)(cp)5. As drafted, the bid waiver notice requires a notice to the DOA Secretary. This provision was not previously required. Currently, DNR and DSPS must only notify the other department when there is a bid waiver, not the DOA Secretary. Since this program would reside at DNR, there is no need for the interdepartmental coordination of the bid waiver notice.

This addresses the particular note you made.

. If s. 101.143 (3) (cp) 5. Is repealed, DNR will have less authority to waive the bidding requirement. Under current law, they can do that by simply notifying DSPS. If the provision is repealed, they will only be able to waive the bid requirement if s. 101.143 (3) (cp) 2. applies. It doesn't seem as though DNR would want that. Or are they saying that the statute should just let them waive the bidding requirement whenever they want to without telling anyone else? In that case, s. 101.143 (3) (cp) 2. should be repealed because it would be unnecessary.. Or a more straightforward way to proceed would be to simply change the "shall" to "may" in s. 101.143 (3) (cp) 1. and repeal both 101.143 (3) (cp) 2. and 5. Let me know if my point isn't clear.

